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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,904	09/24/2003	Steven J. Harrington	D/A2455	5767
37211	7590	10/17/2006	EXAMINER	
BASCH & NICKERSON LLP			TRAN, TUYETLIEN T	
1777 PENFIELD ROAD			ART UNIT	
PENFIELD, NY 14526			PAPER NUMBER	

2179  
DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/669,904

Applicant(s)

HARRINGTON, STEVEN J.

Examiner

TuyetLien (Lien) T. Tran

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5, 6, 10, 11, 13, 19, 22-24, 27-31, 33, 34, 37, 38 and 45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 10, 11, 13, 19, 22-24, 27-31, 33, 34, 37, 38 and 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____                                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                           |

### **DETAILED ACTION**

1. The amendment filed on 09/14/2006 has been entered and considered by examiner.
2. Claims 4, 7-9, 12, 14-18, 20-21, 25-26, 32, 35-36, 39-44, and 46 have been canceled; claims 1-3, 5-6, 10-11, 13, 19, 22-24, 27-31, 33-34, 37, 38, and 45 are pending in this application.

### ***Claim Objections***

3. Claims 1, 19, and 24 are objected to because of the minor informalities.

Claim 1 recites the term "a electronic desktop" in the second line of the claim; it should be written as "an electronic desktop". In line 24 of the claim, the terms "b)" and "another" are recited; it is believed that these terms should be deleted.

Claim 19 recites the term "whereinthe" in the first line of the claim. It is suggested that it should be written as "wherein the".

Claim 24 recites the term "virtualpile" in the second line of the claim. It is suggested that it should be written as "virtual pile". Appropriate correction is required.

It is the best interest of the patent community that applicant, in his/her normal review and/or rewriting of the claims, to take into consideration these editorial situations and make changes as necessary.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to

which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-3, 5-6, 10-11, 13, 19, 22-24, 27-31, 33-34, 37, 38, and 45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites "a partial user-operational area" and "a partial nonuser-operational area". However, there is no description in the specification to support the above-mentioned limitations. The closest disclosure in the specification is as follows:

Page 1, lines 20 discloses "a user interface" but does not mention the user-operation area and nonuser-operational area.

Claim 1 further recites "a minimized opened document". However, there is no description in the specification to support this limitation. The closest disclosure in the specification is found in page 1, lines 20-23, where it discloses "documents on a desktop while they are still in use".

Claim 1 also recites "the partial nonuser-operational area ... being **smaller than** the partial user-operational area". However, there is no description in the specification to support this limitation.

Claims 2-3, 5-6, 10-11, 13, 19, 22-24, 27-31, 33-34, 37, 38, and 45 are rejected as incorporating the deficiencies of claim 1 upon which it depends.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3, 6, 10-11, 13, 19, 22-24, 27-31, 33-34, and 37-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Czerwinski et al. (Pub No. US 2004/0066414 A1, hereinafter Czerwinski).

As to independent claim 1, Czerwinski discloses:

A method for managing a plurality of opened documents being displayed on a electronic desktop of an electronic device (i.e., a method for managing software application windows, see [0007]), an opened document being an application invoked created area on the electronic desktop of the electronic device (i.e., graphical windows corresponding to instantiated software application, see [0021]), an area covered by the opened document being equal to substantially a total area of the electronic desktop of the electronic device or a partial user-operational area of the electronic desktop of the electronic device (i.e., desktop portion 102 as shown in Fig. 1), the opened document displaying the contents of an electronic file (e.g., items 108 and 110 and [0003]), in a user-operational manner, as a result of the execution by the electronic device, of the application (see [0035]), a minimized opened document being an application invoked

created area on the electronic desktop of the electronic device (i.e., control tiles 118, 120, 122 and 124 corresponding to the instantiated program, see Fig. 1 and [0035]), an area covered by the minimized opened document being equal to a partial nonuser-operational area of the electronic desktop of the electronic device (i.e., taskbar portion 114), the partial nonuser-operational area of the electronic desktop of the electronic device being smaller than the partial user-operational area of the electronic desktop of the electronic device (i.e., Fig. 1 clearly shows that taskbar 114 is smaller than desktop area 102) comprising:

(a) minimizing a first opened document being displayed on the electronic desktop of the electronic device to create a first minimized opened document and creating a first icon on the electronic desktop of the electronic device to represent the first minimized opened document being displayed on the electronic desktop of the electronic device (i.e., item 118 as shown in Fig. 2A);

(b) minimizing a second opened document being displayed on the electronic desktop of the electronic device to create a second minimized opened document and creating a second icon on the electronic desktop of the electronic device to represent the second minimized opened document being displayed on the electronic desktop of the electronic device (i.e., item 120 in Fig. 2A);

(c)b) forming a virtual pile (i.e., pile 126) by selecting another the second icon representing the second minimized opened document being displayed on the electronic desktop of the electronic device and placing the second icon onto the first icon

representing the first minimized opened document being displayed on the electronic desktop of the electronic device (see [0037]);

(d) modifying an appearance of the first icon to represent a virtual pile of minimized opened documents created by the first and second icons thereunder (i.e., icon 126 is created in place of icon 118, see Fig. 5); and

(e) modifying an appearance of the second icon when the second icon is placed onto the first icon (i.e., icon 120 is shown as part of group icon 126, see Fig. 2A).

As to claim 2, Czerwinski further teaches wherein the modifying of the appearance of the second icon renders the second icon, at least in part, invisible (i.e., group icon 126 includes icons 118 and 120; notes that icon 120 is invisible, see Fig. 5).

As to claim 3, Czerwinski teaches further comprising:

(f) further modifying the appearance of the first icon upon subsequent placing of icons representing minimized opened document being displayed on the electronic desktop of the electronic device onto the virtual pile (e.g., item 140 as shown in Fig. 7).

As to claim 6, Czerwinski teaches further comprising:

(f) displaying a graphic when an icon representing a minimized opened document being displayed on the electronic desktop of the electronic device is added to the virtual pile (e.g., item 130 as shown in Fig. 3).

As to claim 10, Czerwinski further teaches wherein the modification of said the appearance of the first icon displays a number representative of a total minimized opened documents in the virtual pile (e.g., piles "HOME" shows that 2 items included in the pile, see Fig. 7).

As to claim 11, Czerwinski further teaches wherein the modification of said the appearance of the first icon includes the first icon having a miniature rendition of a minimized opened document in the virtual (e.g., thumbnail image 136 as shown in Fig. 6).

As to claim 13, Czerwinski further teaches wherein the modification of said the appearance of the first icon includes providing information about the type of minimized opened documents in the virtual pile (see [0043]).

As to claim 19, Czerwinski further teaches wherein the modification of the appearance of the first icon includes displaying a balloon box providing additional information about a minimized opened document in the virtual pile (see preview item 138 as shown in Fig. 6).

As to claim 22, Czerwinski teaches further comprising:

(f) providing information regarding the virtual pile, when a mouse-over event is initiated (e.g., hovering over the thumbnail with a user selection device, see [0041] or page 7, right column, lines 56-60).

As to claim 23, Czerwinski teaches further comprising:

(f) providing information regarding a minimized opened document in the virtual pile, when a mouse-over event is initiated (see [0046]).

As to claim 24, Czerwinski teaches further comprising:

(f) displaying a minimized opened document in the virtual pile, when a mouse-over event is initiated (see [0046] or page 7, right column, lines 25-29).

As to claim 27, Czerwinski teaches further comprising:

(f) selecting a minimized opened document located in said the virtual pile (e.g., obtaining an indication to remove the second tile from the group, see page 9, right column, lines 14-15);

(g) providing an icon for said selected minimized opened document (see item 118 and associated text in [0038]);

(h) modifying an appearance of the virtual pile to indicate the removal of the element minimized opened document from the virtual pile (e.g., displaying the first and second tiles as separate control tiles, see page 9, right column, lines 17-18).

As to claim 28, Czerwinski teaches wherein said providing an icon for the selected minimized opened document includes restoring the original iconic representation thereof (e.g., restoring original tile 118 when it being removed from group 126, see Fig. 3).

As to claim 29, Czerwinski teaches wherein said providing an icon for the selected minimized opened document includes displaying a new iconic representation

therefore (e.g., displaying tile 118 when it being removed from group 126, see Fig. 3; note that tile 118 is not displayed there when included in the group 126).

As to claim 30, Czerwinski teaches wherein the removal of a minimized opened document from the virtual pile is done by a drag-and-drop action (it is noted that the user select icon 118 and drag-and-drop it outside the group 126, see Fig. 3).

As to claim 31, Czerwinski teaches further comprising removing the iconic representation of the virtual pile from view, upon removal of a last remaining minimized opened document from the virtual pile (see page 9, right column, lines 14-18).

As to claim 33, Czerwinski teaches further comprising:

(i) providing an exploded view of all minimized opened documents in the virtual pile in response to a mouse-over event (see Fig. 8).

As to claim 34, Czerwinski teaches further comprising:

(i) removing all minimized opened documents from the virtual pile in response to a mouse-over event (e.g., allows the user to manually collapse and restore the group, see [0040]).

As to claim 37, Czerwinski teaches wherein a minimized opened document is removed in response to a computer system initiated event (e.g., the control tile group can be collapsed automatically by an operating environment and/or program, see [0040]).

As to claim 38, Czerwinski teaches wherein a minimized opened document is removed in response to a network initiated event (e.g., [0024]).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Czerwinski in view of Microsoft Windows XP (screen capture from Microsoft Windows XP version 2002, hereinafter windows xp).

As to claim 5, Czerwinski teaches the limitation of claim 1 for the reasons above. However, Czerwinski fails to expressly teach generating a sound when an icon representing a minimized opened document being displayed on the electronic desktop of the electronic is added to the virtual pile. Windows xp, though, teaches generating a sound when an icon representing a minimized opened document being displayed on the electronic desktop of the electronic is added to the virtual pile (i.e., a sound is applied to events in windows and programs, see "Sound and Audio Devices Properties").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the method of displaying a sound to events in windows and programs as taught by windows xp to the method of managing opened

documents as taught by Czerwinski to alert the user that some events have been occurred in the display (see windows xp screen capture).

10. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Czerwinski in view of Mander et al. (Patent No. US 6,243,724 B1; hereinafter Mander).

As to claim 45, Czerwinski teaches the limitation of claim 27 for the reasons above. However, Czerwinski fails to expressly teach that a minimized opened document is removed in response to an email initiated event. Mander, though, teaches an icon is removed (see col. 17, lines 20-25) in response to an email initiated event (e.g., organizing email documents including email subpiles, see col. 8, lines 14-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the method of removing an item from a pile in response to an email initiated event as taught by Mander to the method of managing opened documents as taught by Czerwinski to quickly find email messages since email documents are collected and classified based on user's specifications (see Mander col. 8, lines 14-36).

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1-3, 5-6, 10-11, 13, 19, 22-24, 27-31, 33-34, 37, 38, and 45 have been considered but are moot in view of the new ground(s) of rejection.

In view of amendment, the references of Czerwinski and windows xp have been added for the new ground of rejection.

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00 (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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